

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

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DOCKET NO. 3:06CR51-V

UNITED STATES OF AMERICA,

Plaintiff,

v.

(1) RICARDO DURAN,

Defendant.

**MOTION FOR
PRELIMINARY ORDER
OF FORFEITURE
(UNDER SEAL)**

FILED

NOW COMES the United States of America, by and through Gretchen C. F. Shappert, United States Attorney for the Western District of North Carolina, pursuant to 21 U.S.C. §853 and Fed. R. Crim. P. 32.2(b), and hereby respectfully moves the Court to enter a preliminary order of forfeiture as to the defendant's property in this case. In support of this motion, the government shows the Court the following:

1. In the First Superseding Bill of Indictment (hereinafter "the indictment"), Counts One and Two, respectively, charge defendant with conspiracy to possess with intent to distribute cocaine and marijuana in violation of 21 U.S.C. §841 and money laundering conspiracy in violation of 18 U.S.C. §1956(h). Based on those counts, the indictment also contains a notice alleging forfeiture of criminal proceeds and facilitating property of the defendant pursuant to 21 U.S.C. §853(a) and any substitute property, which would be subject to forfeiture under 21 U.S.C. §853(p). As to money laundering, forfeiture herein is also provided by 18 U.S.C. §982(a)(1).

2. In a plea agreement filed under seal on or about October 13, 2006, the defendant agreed to plead guilty to Counts One and Two in the indictment. In paragraphs 25 - 35, the plea agreement expressly provides for forfeiture of defendant's personal property listed in the

indictment and as further stated in the plea agreement. Defendant subsequently entered a plea of guilty in accordance with the plea agreement. In addition, on or about November 28, 2006, defendant caused the sum of \$347,193.56 to be tendered to the government as a substitute res for real property located at 3226 North Knoll Drive, Los Angeles, California, as listed in the plea agreement. The government has therefore released its claim to that specific real property, and the proposed order submitted herewith gives defendant credit for the \$347,193.56 against the total amount of forfeitable proceeds, in accordance with the plea agreement.

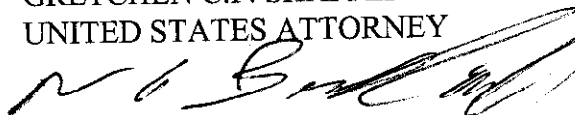
3. By virtue of the conviction and the plea agreement, the United States is now entitled to possession of the property pursuant to 18 U.S.C. §982(b)(1), 21 U.S.C. §853, and Fed. R. Crim. P. 32.2(b).

4. Upon adjudication of all third-party interests, the government will ask the Court to enter a final order and judgment of forfeiture pursuant to 21 U.S.C. §853(n).

5. The government is also filing this date a motion to seal this motion and the related order.

This the 22nd day of December, 2006.

GRETCHEN C.F. SHAPPERT
UNITED STATES ATTORNEY



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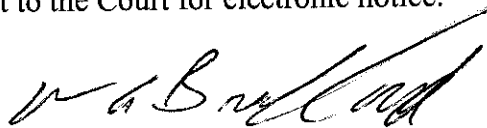
v.

(1) RICARDO DURAN

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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of December, 2006, the foregoing document was served on counsel for the defendant by submitting it to the Court for electronic notice.



William A. Brafford
Assistant United States Attorney